

# Exhibit B

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

STEVEN HOTZE, M.D.; WENDELL CHAMPION; HON. STEVE TOTH; and SHARON HEMPHILL,

Plaintiffs,

v.

CHRIS HOLLINS, in his official capacity as Harris County Clerk;

Defendants.

Case No. 4:20-cv-03709

**DECLARATION OF ANTHONY GUTIERREZ**

1. My name is Anthony Gutierrez. I am over 18 years of age and am competent to make this declaration.

2. I have personal knowledge of the matters stated herein and would testify to the same if called as a witness in Court.

3. I am the Executive Director of Common Cause Texas

4. Common Cause Texas is a chapter of Common Cause, a non-partisan citizen lobby organized as a not-for-profit corporation under the laws of the District of Columbia, and devoted to electoral reform, ethics in government and to the protection and preservation of the rights of all citizens to vote in national, state and local elections, including the education of voters about voting rights and procedures.

5. Since its founding, Common Cause Texas has been dedicated to the promotion and protection of the democratic process, including the right of all citizens to vote in fair, open,

and honest elections. Common Cause Texas conducts significant non-partisan voter-protection, advocacy, education, and outreach activities to ensure that voters are registered and have their ballots counted as cast. At this point in the election cycle, Common Cause Texas's three full-time staff and five paid fellows are primarily focused on the organization's election protection program, including recruiting and training volunteer poll monitors and assisting voters. In addition, Common Cause Texas is engaging in a digital advertising campaign to educate voters.

6. Common Cause Texas is one of the nation's leading grassroots, democracy-focused organizations and has over 1.2 million members nationwide and chapters in 30 states. Common Cause Texas has approximately 36,000 members and supporters across the state of Texas, a substantial number of whom are registered to vote in Harris County and have used or plan to use drive-thru voting.

7. The relief requested by the Plaintiffs in the case, if granted by the Court, would frustrate the Common Cause's mission and voter-protection, advocacy, education, and outreach activities.

8. In particular, Common Cause Texas is diverting resources away from its ongoing programs and initiatives, which has included educating Harris County voters about drive-thru voting because they are regular polling locations that may be used under Texas law by any voter. In light of this case, however, Common Cause is now warning its members and constituents specifically, and Harris County voters generally, that if they utilize drive-thru voting their ballot may ultimately be thrown out. Common Cause will need to escalate those efforts if the Court grants the relief requested by the Plaintiffs in this case.

9. Common Cause Texas has to retool the organization's pre-election work midstream to help Harris County voters who wanted to utilize drive-thru voting, and to try to

assist, educate, and respond to concerns raised by voters who utilized drive-thru voting and are concerned that their vote may not count and are assessing their options.

10. Common Cause Texas has also had to respond to confused voters who voted by regular curbside and now think their vote is at risk of being tossed out as a result of this litigation.

11. Many of Common Cause's members and constituents in Harris County have planned to utilize drive-thru voting this year. Some have done it to protect their physical health and the health of others in their communities, while others have utilized it due to convenience. Common Cause Texas has been engaged in educating its Harris County members and constituents to ensure that they are able to comply with each of the requirements for in-person voting, which are the same at any polling location, including those that are drive-thru voting polling locations.

12. Many of Common Cause Texas's members and constituents used drive-thru voting or plan to utilize drive-thru voting to ensure that their ballots are timely received and counted. Those members include Andrea Greer.

13. In the past few days, Common Cause Texas has been forced to rapidly and unexpectedly divert resources away from its ongoing voter education and registration activities and redeploy them towards educating voters about the potential impact of this litigation and the risk that if they utilize drive-thru voting their ballot may not be counted.

I declare that the foregoing is true and correct under penalty of perjury. Executed this 1st day of November, 2020, in Austin, Texas.



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Anthony Gutierrez